

ISA 29th Session, Part II – Reading of the Draft Consolidated Text

Oral Statement by the Federal Republic of Germany

Delivered in July 2024

Regulation 44 – General Obligations

Germany welcomes the streamlined draft text for DR 44 and its clear structure. We have a few fairly minor comments on the text.

In **paragraph 1**, we support the bracketed text, and particularly the reference to port states.

For **paragraph 1(a)**, we prefer this provision to require *“the precautionary principle or precautionary approach, as appropriate, and ecosystem-based approach to the prevention, mitigation, assessment, and management of risk of harm”*. This formulation for the precautionary principle is consistent with DR 2, DR 13 and the BBNJ Agreement. As mentioned by the African Group, we also suggest that the term ecosystem-based approach should be defined in the Schedule, with the definition currently being in the suspense document.

In **paragraphs 1(b), (c), and (d)**, we support the bracketed text. In particular, the reference to sufficient information in paragraph (b) aligns with other multilateral environmental agreements, such as the Madrid Protocol to the Antarctic Treaty.

We prefer **paragraph (e)** over (e)alt (the polluter pays principle is to be applied rather than to be taken into account) and we support inclusion of **paragraphs (f), (g), and (h)**.

Paragraph 3 is a well-known provision that reflects similar provisions in the Convention. We suggest making the provision applicable to all states, e.g. as follows:

“Nothing in these regulations shall be interpreted as preventing States from applying environmental or other laws and regulations, or the Enterprise and Contractors from taking measures that are more stringent than those in the rules, regulations and procedures of the Authority relating to the protection of the Marine Environment.”